

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONLAN ABU and RYAN
MOORE,

Plaintiffs,

v.

STANLEY B. DICKSON and
DICKSON & ASSOCIATES, PC,

Defendants.

Case No. 2:20-cv-10747
District Judge Linda V. Parker
Magistrate Judge Anthony P. Patti

**ORDER DENYING PLAINTIFFS' REQUEST FOR ATTORNEY FEES
AND FULLY RESOLVING PLAINTIFFS' MOTION TO COMPEL
DISCOVERY (ECF No. 24)**

This matter came before the Court for consideration of Plaintiffs' motion to compel discovery (ECF No. 24), Defendants' response in opposition (ECF No. 27), and Plaintiffs' reply (ECF No. 28). Judge Parker referred this motion to me for a hearing and determination. (ECF No. 25.) As the parties resolved the substance of the motion by stipulated order (ECF No. 33), the only remaining issue before the Court is the payment of expenses incurred in making the motion (*see* Joint Statement of Unresolved Issues, ECF No. 31, PageID.1218). A hearing via Zoom was held on November 30, 2021, at which counsel for both parties appeared and the Court entertained oral argument regarding the question of attorney fees and expenses.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Plaintiffs' request for attorney fees within the motion to compel (ECF No. 24, PageID.866, 890-891) is **DENIED**. In denying Plaintiffs' request, the Court finds that:

- (1) Plaintiffs' counsel admitted on the record to failing to follow Judge Parker's Practice Guidelines requiring counsel to contact chambers before filing a discovery motion, which may and likely would have obviated the need for the instant motion.
- (2) The admittedly very brief meet-and-confer conference between the parties' counsel before the motion was filed appears to have dealt only with a small fraction of the discovery requests ultimately at issue. (*See* ECF No. 27-3, PageID.1118-1119.) Fed. R. Civ. P. 37(a)(5)(A)(i); E.D. Mich. LR 7.1(a).
- (3) The primary requests at issue—Requests for Production 29-31—were highly specific, enough to create a genuine dispute as to proper compliance, even if more could have been produced in the first instance. (ECF No. 24-2, PageID.915-916.)
- (4) The parties made mutual ongoing efforts to resolve the dispute both before and after the motion was filed, which resulted in the stipulated order referenced above (ECF Nos. 27-3, 33).
- (5) Defendants' response to the motion (ECF No. 27) was substantially, if not entirely, justified. *See* Fed. R. Civ. P. 37(a)(5)(A)(ii); Fed. R. Civ. P. 37(a)(5)(C).

This ruling fully resolves Plaintiffs' motion to compel discovery responses. (ECF No. 24.)

IT IS SO ORDERED.

Dated: November 30, 2021

APP. 2

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE